

**FRANK MOTION
GOES TO
SUPREME COURT
MONDAY**

Full Bench of U.S.
Jurists

Will Pass on
Petition for
Writ of Error

(Special Dispatch to *The Journal*)

WASHINGTON, Nov. 28—Formal motion will be submitted in the Supreme Court when it meets at noon Monday, on behalf of Leo M. Frank, by his Attorney, Harry Alexander, for leave to file a

petition for Writ of Error to the Supreme Court of Georgia to bring up the Frank Case for Review.

This is the last legal resource of the condemned man and if the full bench of the Supreme Court denies the motion, Frank's Counsel will have to turn to the State Board of Pardons and Governor Slaton.

Harry Alexander completed his Statement of Facts on which he will base the motion and his brief in support of it tonight and sent them to the printer.

They will not be made public until filed with the Clerk of the Supreme Court Monday morning.

Later in the day, when he can be heard Monday, Mr. Alexander will make the formal motion for leave to file his petition for the writ and direct attention to the Brief and Statement of Facts in support of it.

Following the usual course in such Cases, the chief justice will announce that the Court will "take the papers" and the decision upon the motion will probably be announced a week from Monday, the next regular "opinion day" of the Court.

It was through Chief Justice White that Frank's lawyers obtained permission to submit a brief, in which they are to undertake to show that the United States Court has Jurisdiction despite the fact that the Georgia Supreme Court held that Frank's failure to cite in his motion for a new trial the constitutional point contained in his motion to set aside the verdict deprived him of the right to urge this point.

Justices Lamar and Holmes, who denied Frank's petition for a Writ of Error which would afford him a Review by the United States Supreme Court of the decision of the Georgia Supreme Court, did not, it is said, consider the constitutional grounds contained in his motion to set aside the verdict, but took the position that Frank, having failed to follow the practice defined by the Georgia Supreme Court, the United States Supreme Court was

without jurisdiction. It is this question of Jurisdiction which Frank's Attorneys will argue in the brief which they will file with the Supreme Court Monday.
